

VIOLATIVE SALES OF PRESCRIPTION DRUGS

3961. Misbranding of thyroid tablets and methamphetamine hydrochloride tablets. U. S. v. David Rowe. Plea of nolo contendere. Fine of \$100, plus costs. (F. D. C. No. 33758. Sample Nos. 12741-L, 36622-L, 36629-L.)

INFORMATION FILED: January 28, 1953, Western District of Kentucky, against David Rowe, a partner in the partnership of the Rowe Drug Store, Louisville, Ky.

NATURE OF CHARGE: On or about April 17 and 24, 1952, while a number of *methamphetamine hydrochloride tablets* and *thyroid tablets* were being held for sale at the Rowe Drug Store, after shipment in interstate commerce, the defendant caused a number of tablets of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded as follows:

Section 502 (b) (1) the repackaged *methamphetamine hydrochloride tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), each of the repackaged drugs failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (f) (1), the labeling of each of the repackaged drugs failed to bear adequate directions for use; and, Section 502 (f) (2), the labeling of the repackaged *methamphetamine hydrochloride tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

On or about April 28, 1952, while a number of *thyroid tablets* were being held for sale at the Rowe Drug Store, after shipment in interstate commerce, David Rowe caused a number of the tablets to be dispensed without a prescription from a practitioner licensed by law to administer such drug. This act of dispensing was contrary to the provisions of Section 503 (b) (1) and resulted in the dispensed drug being misbranded.

DISPOSITION: March 13, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$100, plus costs.

3962. Misbranding of thyroid tablets, methamphetamine hydrochloride tablets, and tablets containing a mixture of sulfacetimide, sulfadiazine, and sulfamerazine. U. S. v. Frank C. Miller, Sr. (Miller's Drug Store), and Silvio Pesa. Pleas of guilty. Each defendant fined \$100, plus costs. (F. D. C. No. 33760. Sample Nos. 12385-L, 36618-L, 36630-L.)

INFORMATION FILED: January 28, 1953, Western District of Kentucky, against Frank C. Miller, Sr., trading as Miller's Drug Store, Louisville, Ky., and Silvio Pesa, a pharmacist.

NATURE OF CHARGE: On or about April 3 and 9, 1952, while a number of *thyroid tablets* and *tablets containing a mixture of sulfacetimide, sulfadiazine, and sulfamerazine* were being held for sale at Miller's Drug Store, after shipment in interstate commerce, Frank C. Miller, Sr., caused a number of *thyroid tablets*, and both of the defendants caused a number of the "sulfa" tablets, to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged tablets being misbranded as follows:

Section 502 (b) (1), the repackaged "sulfa" tablets failed to bear a label containing the name and place of business of the manufacturer, packer, or